

impairment with occasional decrease in work efficiency and intermittent periods of inability to perform occupational tasks (although generally functioning satisfactorily, with routine behavior, self-care, and conversation normal), difficulty establishing and maintaining effective work and social relationships, forgetting recent events, chronic sleep impairment, and forgetting directions.” It was noted that the appellant’s mother was seriously injured, and he had “never had a chance to cope with it.” Additionally, Dr. Sinclair indicated that the appellant reported that filing for a hardship discharge from the military was a “very stressful situation.” Psychological test data supported Dr. Sinclair’s concerns regarding the appellant’s psychological suitability for the subject position. She stated that while the appellant “may be attempting to adjust to life after the military and is now steadily in school, he demonstrated concerns with maturity, fidelity, decision-making, judgment, and clinical anxiety which taken together, rise to the level of a psychological liability for the position sought.” Therefore, Dr. Sinclair did not recommend the appellant for appointment as a Police Officer.

The Panel’s report also notes that the appellant’s psychological evaluator, Dr. David Pilchman, found the appellant to be a “positive candidate for the position of Paterson Police Officer.” Dr. Pilchman indicated that the appellant did not report any alcohol or drug misuse or a history of anxiety or emotional difficulty prior to his mother sustaining an injury to her vertebrae. The appellant became his mother’s main caregiver. Dr. Pilchman also noted that the appellant received many military awards and has been employed as a communication officer with the Haledon Police Department since October 2020. Dr. Pilchman recommended the appellant to the subject position.

At the Panel meeting, the appellant was questioned regarding his juvenile charges and arrest, leaving college, and having a disability rating of 50% from the military due to anxiety. The Panel indicated that the appellant took responsibility for the charges against him and admitted to “acting in an immature manner.” The Panel found that the appellant did not have any problematic behaviors as an adult. Moreover, the Panel accepted the appellant’s statement that he was not ready for college and has since re-enrolled and has handled his course load appropriately. However, what was most concerning for the Panel was the appellant’s disability claim with the military. The Panel indicated that the appellant denied the symptoms which formed the basis for his disability status. He indicated that his rating was reduced from 50% to a 30% disability after he made a request for his disability status be removed on August 6, 2020. The Panel stated that it was not clear from the record why the appellant was still considered partially disabled due to anxiety when he requested that the disability status be removed. Therefore, the Panel recommended that additional information be provided in that regard. The Panel concluded that, apart from the appellant’s current status with disability, “it did not find any significant evidence” that the appellant was not able to meet the job responsibilities of a Police Officer. Accordingly, the Panel recommended that the appellant’s appeal

be held in abeyance until information is obtained on the reasons for the appellant's disability status being changed to 30% disability instead of removal. Thereafter, the information should be forwarded to an independent evaluator so that an accurate assessment of the appellant's psychological suitability for a Police Officer position may be made.

It is noted that, although the appellant did not submit exceptions to the Panel's Report and Recommendation, he presented the Rating Decision of the Department of Veterans Affairs, dated May 20, 2021,¹ which determined that the appellant's disability rating for General Anxiety Disorder be reduced from 50% to 30% effective August 1, 2021. The decision explained that "[a]n evaluation of 30 percent is granted whenever there is occupational and social impairment with occasional decrease in work efficiency and intermittent period of inability to perform occupational tasks (although generally functioning satisfactorily, with routine behavior, self-care, and conversation normal), due to such symptoms as: depressed mood, anxiety, suspiciousness, panic attacks (weekly or less often), chronic sleep impairment, mild memory loss (such as forgetting names, directions, recent events)." The appellant maintains that he is in the process of removing this disability status.

CONCLUSION

The Civil Service Commission (Commission) has reviewed the Report and Recommendation of the Panel and the appellant's submission of the Rating Decision of the Department of Veterans Affairs and finds it appropriate to refer the appellant for an independent evaluation of his psychological suitability for the position of Police Officer.

Initially, it is noted that the Commission relies on the expertise of the Panel and is persuaded that an in-depth psychological evaluation is necessary. In that regard, the Commission emphasizes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators and that, in addition to the Panel's own review of the results of the tests administered to the appellant, it also assesses the appellant's presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. In this case, the Panel did not find the appellant's juvenile charges, arrest, or academic issues to be psychologically disqualifying. However, it was unable to render a determination of the appellant's psychological suitability given the appellant's disability status with the military and his claim of being symptom free of anxiety. Under these circumstances, since the reasoning of the disability rating has been provided, it is prudent for the appellant to be assessed by the Commission's

¹ The May 20, 2021 Rating Decision noted that there had been a prior rating decision, dated November 9, 2020, which proposed a reduction to a 30% disability rating.

independent evaluator to determine whether he is psychologically suited to undergo the training involved for a Police Officer position and perform the essential functions of the position. Therefore, the Commission agrees with the Panel's recommendation to refer the appellant for an independent psychological evaluation. A copy of the record in this matter, which includes the May 20, 2021 Rating Decision of the Department of Veterans Affairs, shall be forwarded to the Commission's independent evaluator for review.

ORDER

The Commission therefore orders that D.C. be administered an independent psychological evaluation as set forth in this decision. The Commission further orders that the cost incurred for this evaluation be assessed to the appointing authority in the amount of \$530. Prior to the Commission's consideration of the evaluation, copies of the independent evaluator's Report and Recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

D.C. is to contact Dr. Robert Kanen, the Commission's independent evaluator, within 15 days of the issuance date on this determination to schedule an appointment. If D.C. does not contact Dr. Kanen within the time period noted above, the entire matter will be referred to the Commission for a final administrative determination and the appellant's lack of pursuit will be noted.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 4TH DAY OF AUGUST, 2021

Deirdre' L. Webster Cobb

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